

BUSE et al.

Serial No. 09/494,401

Amendment dated May 19, 2004

Response to Office Action dated March 26, 2004

### **REMARKS**

Upon entry of this amendment, claim 1 is pending. By the present amendment, claims 2, 3, 7 and 9-13 have been canceled without prejudice, and claim 1 has been amended to incorporate the subject matter of canceled claims 2 and 3. Favorable reconsideration of the application is respectfully requested.

Entry of this amendment is proper under 37 C.F.R. §1.116 because the amendment effectively puts allowable claim 3 in independent form, and cancels the remaining claims. Therefore, the amendment does not present any new issue requiring further search and/or consideration, and places the application in condition for allowance. Accordingly, entry of the amendment is proper, which action is earnestly solicited.

Applicants appreciate the Examiner's indication that claim 3 would be allowable if rewritten in independent form. Without acquiescing in any of the rejections set forth in the Office Action, and to expedite prosecution, claim 1 has been amended to include the subject matter of claims 2 and 3, effectively putting claim 3 in independent form. Claims 2, 3, 7 and 9-13 have been canceled without prejudice or disclaimer. Therefore, only claim 1 remains pending. No further comment will be made with respect to any rejection contained in the Office Action, as those rejections are rendered moot by the foregoing amendment. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

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In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,

**NIXON & VANDERHYE, P.C.**

By: \_\_\_\_\_



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